

ALD-128

February 16, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 06-5158

IN RE: BENJAMIN F. WHITEMAN, Petitioner

Present: SLOVITER, CHAGARES AND NYGAARD, CIRCUIT JUDGES

Submitted are:

- (1) Petitioner's application for leave to file a second or successive petition under 28 U.S.C. § 2254; and
- (2) Petitioner's "Motion for Limited Waiver of Filing Fees," which is construed as a motion to be relieved of the requirements of Third Circuit LAR 22.5 in the above-captioned case.

Respectfully,

Clerk

**U. S. DISTRICT COURT - DE
MISC. CASE # 07-45**

MMW/BNB/slC

ORDER

The foregoing "Motion for Limited Waiver of Filing Fees" is treated as a motion for exemption from compliance with the requirements of Third Circuit LAR 22.5 and, so treated, is granted. The foregoing application under 28 U.S.C. § 2244 for leave to file a second or successive petition under 28 U.S.C. § 2254 is denied. Petitioner has not presented any newly discovered evidence and his claim does not involve a new rule of constitutional law. See 28 U.S.C. § 2244(b)(2).



By the Court,

/s/ Richard L. Nygaard
Circuit Judge

Marcia M. Waldron

Dated: March 1, 2007

SLC/cc: Mr. Benjamin F. Whiteman

Loren C. Meyers, Esq.

Marcia M. Waldron, Clerk

U. S. DISTRICT COURT - DE
MISC. CASE # 07-45

FILED

Mar 2 3 46 PM '07
U. S. DISTRICT COURT - DE
MISC. CASE # 07-45

MARCI M. WALDRON
CLERK

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 1610-1790

TELEPHONE
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Delaware _____ Clerk of District Court

Date March 1, 2007

In re: Whiteman
(Caption)

C. of A. No. 06-5158

Banjamin F. Whiteman
(Appellant)

Related to: 94-cv-00151
(D.C. No.)

U. S. DISTRICT COURT - DE
MSC. CASE # 0745

Enclosures:

Mar 2 3 46 PM '07
U.S. DISTRICT COURT - DE
MSC. CASE # 0745

FILED

March 1, 2007 Certified copy of C. of A. Order by the Court
(Date)

Returned

Copy of this form to acknowledge receipt and return to C. of A.

Record not released at this time until appeal(s) closed at No. (s) _____

Please forward Certified List in Lieu of Record to this office.

The certified copy of order issued as the mandate on _____
is recalled.

Shannon Craven (267)-299-4959

Deputy Clerk

Telephone Number

Receipt Acknowledge:

E Shucklin

(Name)

3/5/07

(Date)

Rev. 3/13/00
Appeals (Certified List in Lieu of Record)